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EXAMINER

ALBERT ALLI, BRIAN LOUIS

ART UNIT PAPER NUMBER

2655

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/055,427

Applicant(s)

WILSON ET AL.

Examiner

Brian L. Albertalli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/12/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. The disclosure and claims are objected to because the term "voice recognition" is misused for what nowadays is called --**speech recognition**-- in the speech signal processing art. While "voice recognition" and "speech recognition" were both once used interchangeably to refer to spoken word recognition, nowadays these two terms are distinguished. The term "**voice** recognition" now denotes identification of **who** is doing the speaking (class 704/246), while "**speech** recognition" (or "**word** recognition") denotes identification of **what** is being said (class 704/251). So, appropriate correction to the proper terms of art is required.

Claim 19 is objected to because of the following informalities: in line 1 of the claim "method" should be --system--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by McIntosh (U.S. Patent 6,401,066).

In regard to claim 1, McIntosh discloses a method for facilitating an electronic signature of a document comprising the steps of:

(A) telephonically authenticating a signer (individual) using biometrics (for verification of an individual beyond that provided in the main method in Fig. 5, a sample taken from the individual is compared to a voice fingerprint, column 13, lines 43-47 and lines 52-53);

(B) telephonically performing, using voice (speech) recognition, at least one of the group comprising (i) identifying the document; (ii) entering data into the document; (iii) affirming data in the document (referring now to the main method in Fig. 5, in step 510 a potential customer enters data into a record created at step 504, column 9, lines 49-50 and lines 62-65); and

(C) telephonically receiving the signature (step 516, once the customer has provided consent, the record is stored with the verbal consent in data storage, column 10, lines 16-21 and lines 33-40; the verbal consent binds the recorded party to their statements stored in the record, therefore, the verbal consent is equivalent to a "signature", column 5, lines 6-8).

In regard to claim 2, McIntosh discloses:

obtaining a reference voiceprint of the signer (Fig. 10A, steps 1002-1008, responses from a party collected, column 13, line 60 to column 14, line 3); and,

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storing the reference voiceprint for subsequent comparison (step 1010 the responses are stored on a storage media, column 14, lines 4-7).

In regard to claim 3, McIntosh discloses:

obtaining an authentication voiceprint from the signer using over a telephone system (Fig. 10B, step 1028 a second speech sample is provided from the party in question, column 14, lines 25-28);

comparing the authentication voiceprint with the reference voiceprint and generating an output data set therefrom (step 1032, the speech pattern in storage is compared with an analysis of the second speech sample, column 14, lines 40-44);

authenticating the signer when the output data set meets predetermined criteria (if the results match, verification is achieved, column 13, lines 52-53 and column 14, lines 43-44).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 5, 8, 9, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over McIntosh.

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In regard to claim 4, McIntosh discloses a user presses a telephone key to direct the verification system to one or more branches of potential questioning for the customer to give consent to (sign) in the same phone call (column 9, line 66 to column 10, line 6).

McIntosh does not disclose that speech recognition is used to direct the verification system through the branches of potential questioning.

Official notice is taken that it is notoriously well known and recognized in the art to make selections over a telephone using speech recognition rather than making a selection with the telephone keypad.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify McIntosh to allow the user to move through multiple branches in the system using speech recognition to give consent to (sign) a plurality of documents in the same phone call, so the user would not have to manually enter menu selections through the telephone keypad.

In regard to claim 5, McIntosh discloses a user presses a telephone key to direct the verification system to one or more branches of potential questioning for the customer to give consent to (further signatures for further documents, column 9, line 66 to column 10, line 6).

McIntosh does not disclose generating a first message for the signer indicative of a number of remaining documents to be signed;

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producing a second message for the signer asking whether the signer desires to sign a further one of the plurality of documents.

Official notice is taken that it is notoriously well known and recognized in the art to provide a user of an interactive telephone system to provide the user with an indication of how many more tasks are available for the user to complete and to give the user the option of completing those tasks, so if the user decides there are too many tasks to complete at the time, the user can return to finish those tasks at a later, more convenient time.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify McIntosh to indicate to the user how many more records the user needed to give consent to (sign) and producing a message asking whether the user wanted to continue giving consent to (signing) records, so the user could choose to give their consent at a later, more convenient time.

In regard to claim 8, McIntosh does not disclose generating an audit record that includes the output data set from said telephonically authenticating step using biometrics.

Official notice is taken that it is notoriously well known and recognized in the art to keep a record of attempts to access confidential information in a secure system in order to ensure only legitimate users are accessing the system.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify McIntosh to keep a record of the results of the biometric

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authenticating step, so that they could later be reviewed to ensure only legitimate users were accessing the system.

In regard to claim 9, McIntosh discloses that the method is useful for any environment where confirmation is legally required (column 5, lines 52-53).

Official notice is taken that it is notoriously well known and recognized in the art that death certificates, birth certificates, marriage certificates, divorce certificates, vital statistic documents, medical records, and medical drug prescriptions are all environments where confirmation is legally required.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify McIntosh so that the documents were death certificates, birth certificates, marriage certificates, divorce certificates, vital statistic documents, medical records, or medical drug prescriptions, so that a user could legally confirm these documents (sign them) from a remote location without having to physically sign the original document with a pen.

In regard to claim 17, McIntosh discloses a system (Fig. 2) for facilitating an electronic signature comprising:

means for authenticating a signer based on an authentication voiceprint received from said signer over a telephone network (for verification of an individual beyond that provided in the main method in Fig. 5, a sample taken from the individual is compared to a voice fingerprint, column 13, lines 43-47 and lines 52-53);

means for identifying a document to be signed based on a first speech sequence received from said authenticated signer over the telephone network (a user presses a telephone key to direct the verification system to one or more branches of potential questioning for the customer to give consent to in the same phone call, column 9, line 66 to column 10, line 6); and

means for receiving a second speech sequence corresponding to said signature from said authenticated signer over said telephone network (step 516, once the customer has provided consent, the record is stored with the verbal consent in data storage, column 10, lines 16-21 and lines 33-40; the verbal consent binds the recorded party to their statements stored in the record, therefore, the verbal consent is equivalent to a "signature", column 5, lines 6-8).

McIntosh does not disclose that speech recognition is used to direct the verification system.

Official notice is taken that it is notoriously well known and recognized in the art to make selections over a telephone using speech recognition rather than making a selection with the telephone keypad.

It would have been obvious to one of ordinary skill in the art at the time of invention to allow the user to select which branches of questioning and consent to take (effectively allowing the user to choose which documents to "sign") through speech commands, so the user would not have to manually enter menu selections through the telephone keypad.

In regard to claim 18, McIntosh discloses means for obtaining a reference voiceprint of said signer (responses from a party collected, column 13, line 60 to column 14, line 3);

means for receiving at least a portion of said document from a registration system (voice scripts are played, column 9, lines 58-62); and

a database for storing said reference voiceprint for subsequent comparison to said authentication voiceprint (the responses are stored on a storage media, column 14, lines 4-7).

In regard to claim 19, McIntosh discloses means for comparing said authentication voiceprint with said reference voiceprint and generating an output data set therefrom, and wherein said database includes said output data set (the speech pattern in storage is compared with an analysis of the second speech sample, column 14, lines 40-44).

5. Claims 6, 7, and 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over McIntosh, in view of Bianco et al. (U.S. Patent 6,256,737).

In regard to claim 6, McIntosh discloses a method (Fig. 10A) of enrolling a user for subsequent verification by biometrics (voice fingerprints). The user necessarily must have been identified so that the reference voice fingerprint could be associated with the

user for later comparison. Furthermore, McIntosh discloses the responses are stored on a storage media for further verification (column 14, lines 4-7). The stored responses would necessarily be available for telephonically authenticating the user biometrically a plurality of times.

McIntosh does not disclose authenticating the user using an identifier to authenticate the identity of the user and associating the reference voiceprint with the authenticated signer to complete enrollment.

Bianco et al. disclose a method for enrolling a user to a biometric system wherein the user can subsequently be authenticated biometrically and given access to documents based on that authentication. When the user is enrolling from a remote location (similar to a signer calling in telephonically from a remote location), the method assigns a temporary password to a user to authenticate the identity of the user (column 28, line 66 to column 29, line 4). The enrollment of the user assigns a biometric template to the authenticated user (column 28, lines 8-12).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify McIntosh to authenticate the user using an identifier and associating the voiceprint with the user in order to ensure the user really was the right person, as taught by Bianco et al. (column 28, lines 38-41).

In regard to claim 7, the combination of McIntosh and Bianco et al., as applied to claim 6, above, discloses in Bianco et al. that the identifier is a password (column 28, line 66 to column 29, line 4).

In regard to claim 10, McIntosh discloses a method (Fig. 10A) of enrolling a user for subsequent verification by biometrics (voice fingerprints). The user necessarily must have been identified so that the reference voice fingerprint could be associated with the user for later comparison. Furthermore, McIntosh discloses:

obtaining an authentication voiceprint from the signer over the telephone system to authenticate the signer (for verification of an individual beyond that provided in the main method in Fig. 5, a sample taken from the individual is compared to a voice fingerprint, column 13, lines 43-47 and lines 52-53);

identifying the document using the telephone keypad (a user presses a telephone key to direct the verification system to one or more branches of potential questioning for the customer to give consent to in the same phone call, column 9, line 66 to column 10, line 6); and

receiving the signature using the telephone system (step 516, once the customer has provided consent, the record is stored with the verbal consent in data storage, column 10, lines 16-21 and lines 33-40; the verbal consent binds the recorded party to their statements stored in the record, therefore, the verbal consent is equivalent to a "signature", column 5, lines 6-8).

McIntosh does not disclose that speech recognition is used to direct the verification system, or receiving an identifier from a signer over a telephone system and confirming the identity of the signer when the identifier corresponds to a predetermined reference identifier.

Official notice is taken that it is notoriously well known and recognized in the art to make selections over a telephone using speech recognition rather than making a selection with the telephone keypad.

It would have been obvious to one of ordinary skill in the art at the time of invention to allow the user to select which branches of questioning and consent to take (effectively allowing the user to choose which documents to "sign") through speech commands, so the user would not have to manually enter menu selections through the telephone keypad.

Furthermore, Bianco et al. disclose a method for enrolling a user to a biometric system wherein the user can subsequently be authenticated biometrically and given access to documents based on that authentication. When the user is enrolling from a remote location (similar to a signer calling in telephonically from a remote location), the method assigns a temporary password to a user to authenticate the identity of the user (column 28, line 66 to column 29, line 4). The enrollment of the user assigns a biometric template to the authenticated user (column 28, lines 8-12).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify McIntosh to authenticate the user using an identifier and associating the voiceprint with the user in order to ensure the user really was the right person, as taught by Bianco et al. (column 28, lines 38-41).

In regard to claim 11, McIntosh discloses steps (A), (B) and (C) of claim 10 are performed during a first call over the telephone system and steps (D), (E) and (F) of

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claim 11 are performed during a second call over the telephone system (the recorded response is stored on a storage media for retrieval at a later date, which must necessarily be in a second phone call, column 14, lines 4-7).

In regard to claim 12, McIntosh discloses obtaining an authentication voiceprint from the signer using over a telephone system (Fig. 10B, step 1028 a second speech sample is provided from the party in question, column 14, lines 25-28);

comparing the authentication voiceprint with the reference voiceprint and generating an output data set therefrom (step 1032, the speech pattern in storage is compared with an analysis of the second speech sample, column 14, lines 40-44);

authenticating the signer when the output data set meets predetermined criteria (if the results match, verification is achieved, column 13, lines 52-53 and column 14, lines 43-44).

In regard to claim 13, McIntosh discloses a user presses a telephone key to direct the verification system to one or more branches of potential questioning for the customer to give consent to in the same phone call (column 9, line 66 to column 10, line 6).

McIntosh does not disclose that speech recognition is used to direct the verification system so that several documents could be "signed" during a single telephone call.

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Official notice is taken that it is notoriously well known and recognized in the art to make selections over a telephone using speech recognition rather than making a selection with the telephone keypad.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify McIntosh to allow the user to move through multiple branches in the system and give consent (sign) a plurality of documents in a single telephone call, so the user would not have to manually enter menu selections through the telephone keypad.

In regard to claim 14, the combination of McIntosh and Bianco et al., as applied to claim 10, above, discloses in Bianco et al. that the identifier is a password (column 28, line 66 to column 29, line 4).

In regard to claim 15, McIntosh does not disclose generating an audit record that includes the output data set from said telephonically authenticating step using biometrics.

Official notice is taken that it is notoriously well known and recognized in the art to keep a record of attempts to access confidential information in a secure system in order to ensure only legitimate users are accessing the system.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify McIntosh to keep a record of the results of the biometric

authenticating step, so that they could later be reviewed to ensure only legitimate users were accessing the system.

In regard to claim 16, McIntosh discloses that reference voiceprints (voice fingerprints) are collected and stored in a database with a particular record number, indicating that a plurality of voiceprints are stored (column 13, lines 40-42). Furthermore, calls are received through the telephone network (Fig. 2, PSTN 240), which must necessarily collect voiceprints from a plurality of devices (telephones).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rapaport et al. (U.S. Patent 5,926,526) disclose a method for medical providers to notify patients of medical information telephonically. Harper et al. (U.S. Patent 6,651,060) disclose a method for requesting medical records that includes a call center for contacting a physician for approval. Beard (U.S. Patent 6,292,437) discloses a method for saving an acoustic signature for verification of a package delivery. Pasieka (U.S. Patent 6,587,945) discloses a method for transmitting documents with digital signatures. Anderson et al. (U.S. Patent 6,209,095) discloses a system for processing electronic documents that splits the document into a plurality of editable fields. Musgrave (U.S. Patent 6,105,010) discloses a system for managing biometric authentications. Pare, Jr. et al. (U.S. Patent 5,870,823) disclose a method for

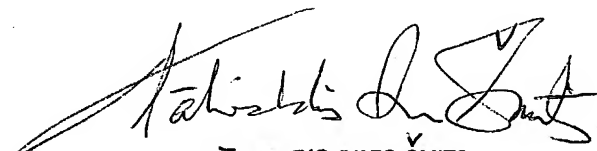
telephonically authenticating users to facilitate commercial transactions. Mayaud (U.S. Patent 5,845,255) discloses a method to allow physicians to generate prescriptions. Duensing et al. (U.S. Patent 5,465,378) disclose a method for editing documents via speech recognition. Hampton et al. (U.S. Patent 5,465,290) disclose a system for identifying a caller with a voiceprint. Perry et al. (U.S. Patent 5,241,466) disclose a system for managing living wills telephonically.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian L Albertalli whose telephone number is (703) 305-1817. The examiner can normally be reached on Mon - Fri, 8:00 AM - 5:30 PM, every second Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Smits can be reached on (703) 305-3011. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BLA 12/20/04



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